CALIFORNIA PRACTICE GUIDE
ADMINISTRATIVE LAW
2025 UPDATE

The 2025 softbound update completely replaces the 2024 update.

These Highlights summarize some of the most important developments since the last Update. Paragraph numbers refer to the 2025 edition of the Practice Guide where the topics are discussed in greater detail.

Except for a few late developments, our cut-off for this Update was September 15, 2025. Some cases cited were not final as of that date, so be sure to check the subsequent histories before citing or relying on them.

Thank you! We encourage your comments and suggestions regarding this Practice Guide. *Please keep them coming!*

MICHAEL ASIMOW
MICHAEL J. LEVY
LAURINE E. TULEJA
PIPPIN C. BREHLER

CONTINUING LEGAL EDUCATION TRG™ PROGRAMS AND PUBLICATIONS
THE RUTTER GROUP™
A DIVISION OF THOMSON REUTERS

 Mat #43388957

2025 UPDATE HIGHLIGHTS

CHAPTER 2

SEPARATION OF POWERS

Delegation of Legislative Power to Administrative Agencies

Limitation—legislature must resolve fundamental issues and adopt safeguards ("standards" requirement)

- [2:34.1; 2:34.2] **No standards in rule:** The Court of Appeal held that a vague provision in a Judicial Council rule violated the nondelegation doctrine. A statute delegated to the Judicial Council the power to adopt rules relating to sentencing, including the power to define sentencing criteria (Pen.C. §1170.3). Under that authority, the Judicial Council adopted a rule that provided for enhancement based on "aggravating circumstances," including "[a]ny other factors . . . that reasonably relate to the defendant or the circumstances under which the crime was committed" (CRC 4.421(c)). This vague provision does not contain "any meaningful standard," and gives too much discretion to prosecutors and to jurors. [*Lovelace v. Sup.Ct. (People)* (2025) 108 CA5th 1081, 1097-1105, 330 CR3d 44, 54-60; *see also* ¶*2:86.7*]

  Comment: *Lovelace,* supra, applies the nondelegation doctrine to a rule that was adopted under authority of a valid statute (which had been upheld in the *Wright* decision; *see* ¶*2:34*). Application of the nondelegation doctrine to a *subdelegation* by an agency to prosecutors is unprecedented. *See also discussion at* ¶*2:104.1 ff.*

CHAPTER 3

PROCEDURAL DUE PROCESS AND OTHER CONSTITUTIONAL PROVISIONS

Vagueness as Denial of Due Process

[3:305.5] **Application:** A school board resolution that banned educators from using "Critical Race Theory" (CRT) and "other similar frameworks" as a source to guide how race-related topics would be taught was unconstitutionally vague. The resolution was unclear because it gave no clear definition or examples of CRT and did not define "other similar frameworks." Teachers had no guidelines as to what they could and could not teach about matters relating to race. "Teachers are left to self-censor and potentially overcorrect, depriving the students of a fully informed education and further exacerbating the teachers' discomfort in the classroom." [*Mae M. v. Komrosky* (2025) 111 CA5th 198, 203-204, 215-220, 332 CR3d 682, 687-688, 696-701 (reversing trial court's order denying preliminary injunction against enforcement of resolution)]

Due Process Violation Where Functions Combined by Staff Members Below Agency Head Level

Statute allowing DMV hearing officer to combine functions unconstitutional—*California DUI Lawyers* decision

- [3:473.1] **Subsequent cases applying *California DUI***

Lawyers: Subsequent cases apply *California DUI Lawyers* by deciding whether DMV hearing officers actually played advocacy as well as adjudicatory roles at the per se hearings. They have ruled that the DMV's practice of combining investigatory and adjudicatory functions in the same hearing officer does *not necessarily* violate due process. The facts of the individual case must show that the hearing officer *actually acted as an advocate* for the DMV. In two cases, the court ruled that the hearing officer's aggressive cross-examination indicated that the hearing officer was playing an advocacy role. [*Knudsen v. Department of Motor Vehicles* (2024) 101 CA5th 186, 206-213, 320 CR3d 70, 84-89; *Clarke v. Gordon* (2024) 104 CA5th 1267, 1276-1277, 325 CR3d 394, 400-401]

In other cases, however, the court determined that the hearing officer did not play an advocacy role simply by introducing DMV documents into evidence. [*Romane v. Department of Motor Vehicles* (2025) 110 CA5th 1002, 1016-1021, 332 CR3d 104, 114-118, rev.grntd. 8/13/25 (Case No. S291093) (cited pursuant to CRC 8.1115(e)); *Kazelka v. California Dept. of Motor Vehicles* (2025) 109 CA5th 1239, 1255-1256, 331 CR3d 251, 263-264]

- [3:473.2] **Comment—conflict in decisions:** The California Supreme Court granted review in *Romane* (¶*3:473.1*) to clarify "[u]nder what circumstances does an administrative per se hearing officer's relationship with the [DMV] violate a driver's due process right to an impartial adjudicator by creating an unacceptable risk of bias during a DMV driver's license suspension hearing?" (*Romane v. Department of Motor Vehicles* (2025) 110 CA5th 1002, 332 CR3d 104, rev.grntd. 8/13/25 (Case No. S291093)). Clarification of this issue is badly needed. The Court of Appeal decisions in *Knudsen, Clarke, Romane,* and *Kazelka* (¶*3:473.1*) are problematic. It is often difficult to determine whether the hearing officer was appropriately introducing evidence and deciding the case against the driver as a neutral decisionmaker or instead was acting as an advocate for the DMV.

CHAPTER 5

ADMINISTRATIVE ADJUDICATION BILL OF RIGHTS

Prohibition Against Adversary Serving as Adjudicator

[5:345-345.1] **Aftermath of *California DUI Lawyers* decision (statute allowing DMV hearing officer to combine functions unconstitutional):** *See discussion at ¶3:473.1 ff. of the Highlights Summaries.*

CHAPTER 7

AGENCY ENFORCEMENT TOOLS

Defenses to Subpoenas

[7:42] **Burdensomeness:** A court reviewing an administrative subpoena will consider whether the demand is excessive and overly burdensome in that it demands more documents than are reasonably necessary

for the investigation. To raise the claim that the demand is burdensome, the demandee must make a good faith effort to meet and confer with the agency making the demand in order to scale down the scope of the request. [*People ex rel. Bonta v. GreenPower Motor Co., Inc.* (2025) 113 CA5th 43, 54-57, 335 CR3d 151, 161-163]

CHAPTER 10

NONSTATUTORY ADMINISTRATIVE LAW PRINCIPLES RELATING TO ADJUDICATION

Time Periods and Procedural Steps Deemed Mandatory

[10:260] **Reconsideration under former Lab.C. §5909:** Former Lab.C. §5909 provides that the WCAB cannot reconsider a decision after the expiration of 60 days from the date the WCAB decision is filed. This provision is jurisdictional and mandatory. The Board cannot grant reconsideration after that time. The statute sets forth the consequences of noncompliance, and a tardy decision to grant reconsideration harms other parties who must know the precise date on which to seek judicial review. [*Mayor v. Workers' Compensation App. Bd.* (2024) 104 CA5th 1297, 1312-1315, 325 CR3d 280, 292-294, rev.grntd. 12/11/24 (Case No. S287261) (cited pursuant to CRC 8.1115(e)) (construing prior version of Lab.C. §5909, disagreeing with *Shipley v. Workers' Compensation App. Bd.* (1992) 7 CA4th 1104, 1108-1109, 9 CR2d 345, 347, which held there is a due process right to reconsideration); *City of Salinas v. Workers' Compensation App. Bd.* (2025) 113 CA5th 801, 822-823, 335 CR3d 862, 878 (same)]

In *City of Salinas,* the court further held that, even though former §5909's 60-day deadline for granting reconsideration is jurisdictional and mandatory, the party seeking reconsideration can rely on the doctrine of equitable tolling to suspend the 60-day deadline. [*City of Salinas v. Workers' Compensation App. Bd.,* supra, 113 CA5th at 824-830, 335 CR3d at 880-885; *see further discussion of equitable tolling at ¶16:70 ff. and of City of Salinas at ¶16:107*]

Caution: The California Supreme Court has granted review in *Mayor v. Workers' Compensation App. Bd.* (2024) 104 CA5th 1297, 325 CR3d 280, rev.grntd. 12/11/24 (Case No. S287261), so the status of the law on the application of former Lab.C. §5909 is uncertain.

CHAPTER 13

BRINGING THE ACTION FOR JUDICIAL REVIEW

Distinctions Between Traditional and Administrative Mandamus

[13:175.3] **Seeking alternative writs where correct remedy unclear—application:** Plaintiff claimed that Port District's lease of coastal public trust land to private Yacht Club violated the San Diego Unified Port Act. The court concluded that because District's action was discretionary, it could not be reviewed by CCP §1085 traditional mandamus. The court also rejected the availability of relief under CCP §1094.5 administrative mandamus because the petition was filed more than 90 days after District awarded the lease. [*Herron v. San Diego Unified Port Dist.* (2025) 109 CA5th 1, 12-13, 330 CR3d 147, 154-155]

Comment: The court's analysis of both CCP §§1085 and 1094.5 is faulty. In addition to ministerial duties, traditional mandate is also available to review discretionary agency action for abuse of discretion (*see* ¶*13:45 ff., 13:90 ff.*), a possibility that the court did not consider. And while the opinion refers to the award of the lease as quasi-legislative, it inconsistently refers to the award as a "decision" that triggered the 90-day statute of limitations for seeking administrative mandate against local government decisions (CCP §1094.6, *discussed at* ¶*16:220 ff.*). But administrative mandate applies only to adjudicative proceedings in which a hearing was required by law (*see* ¶*13:200 ff., 13:290 ff.*). The opinion is silent both about whether the lease's award even followed a hearing and whether District was legally required to provide an adjudicatory hearing that would trigger §1094.5.

CHAPTER 16

WHEN JUDICIAL REVIEW IS TOO LATE (STATUTE OF LIMITATIONS AND MOOTNESS BARS TO REVIEW)

Equitable Tolling in Administrative Law

[16:107] **Equitable tolling applied under former Lab.C. §5909 to uphold reconsideration decision:** [*City of Salinas v. Workers' Compensation App. Bd.* (2025) 113 CA5th 801, 824-831, 335 CR3d 862, 880-885, *further discussed at* ¶*10:260*]

Mootness

[16:280] **Basic rule—application:** Mandate relief was not available to compel City to perform its duty not to disclose police officers' confidential personnel records because City had already disclosed them and could not comply with such a writ. [*Santa Ana Police Officers Ass'n v. City of Santa Ana* (2025) 109 CA5th 296, 310, 330 CR3d 407, 417]

[16:324] **Exception to dismissal for mootness—capable of repetition and likely to evade review:** The court of appeal considered the merits of a case involving whether a city properly performed its ministerial function in ascertaining whether the procedural requirements for submitting an initiative petition were met for an election that had passed. The case raised an issue of public interest on matters requiring uniform application of the law throughout the state. The issue also was likely to recur in future elections but by its nature would evade review. [*San Diego Pub. Library Found. v. Fuentes* (2025) 111 CA5th 711, 723-724, 333 CR3d 92, 100-101]

CHAPTER 17

STANDARDS OF JUDICIAL REVIEW

Questions of Law

[17:22a] **Independent judgment and variable deference—*Yamaha* principles:** Public Utilities Commission (PUC) decisions are subject to independent judgment review under *Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 C4th 1, 78 CR2d 1, as opposed to the "unduly" deferential review standard articulated in *Greyhound Lines, Inc. v. Public Utilities Comm'n* (1968) 68 C2d 406, 67 CR 97.

[*Center for Biological Diversity, Inc. v. Public Utilities Comm'n* (2025) 18 C5th 293, 302-306, 335 CR3d 264, 269-272]

[17:58] **Variable deference factors—agency lacking interpretive expertise:** No deference was given to hospital Board of Director's interpretation of California Corporate Fair Hearing Plan requirements in connection with the summary suspension of a hospital staff physician. [*Lin v. Board of Directors of PrimeCare Medical Network, Inc.* (2025) 108 CA5th 1163, 1181, 330 CR3d 102, 114-115]

Agency Factual Determinations

[17:265.1] **When substantial evidence review applies—adjudicatory decisions of PUC:** The substantial evidence test applies to judicial review of adjudicatory decisions of the PUC brought under a writ of review (Pub.Util.C. §1757(a)(4)). There is a strong presumption of the correctness of the PUC's findings. [*City & County of San Francisco v. Public Utilities Comm'n* (2025) 108 CA5th 22, 51-52, 329 CR3d 59, 79]

Questions of Application of Law to Facts ("Application Questions")

[17:578] **Classifying application questions—disputed or undisputed facts approach:** Where facts are disputed, the issue of whether a person is an employee or independent contractor is a question of fact. [*Sandhu v. Board of Admin. of Pub. Employees' Retirement System* (2025) 108 CA5th 1048, 1071-1072, 330 CR3d 18, 37]

Questions of Discretion

Review of factual determinations in quasi-legislative decisions

- [17:684.1] **Factual determinations in *other than* APA rulemaking or CEQA decisions—decision equating "entirely lacking" and "substantial evidence" standards:** The State Board of Education's decision to authorize a charter school was challenged by traditional mandamus under CCP §1085. The parties disagreed about which type of mandate review applied and, thus, which standard of review governed. The court, finding the State Board's decision flunked both the entirely lacking and substantial evidence tests, stated "only subtle differences" distinguish the two tests, and such "subtle" differences were immaterial to its decision. [*Napa Valley Unified School Dist. v. State Bd. of Ed.* (2025) 110 CA5th 609, 623-625, 628-629, 331 CR3d 763, 774-775, 778]
- [17:692.1] **Regulations adopted under APA—deferential application of substantial evidence test:** A regulation adopted by the Air Resources Board (ARB) limiting ship emissions while berthed in California was challenged in a traditional mandate action. Citing the *American Coatings* decision (¶*17:678*), the court applied the more deferential entirely lacking test, distinguishing it from the substantial evidence test, but still requiring a "reasonable basis" for the decision (which seems the same as the substantial evidence test). The court carefully surveyed all the evidence in the record before concluding that the ARB regulations met the entirely lacking test. [*Western States Petroleum Ass'n v. California Air Resources Bd.* (2025) 108 CA5th 938, 957-958, 329 CR3d 904, 920-921]

CHAPTER 18

PLEADING THE MANDAMUS CASE

Real Parties in Interest

[18:161.1a; 18:165; 18:177.2] **Application of real party in interest rules:** CEQA requires real parties in interest to be named in mandamus petitions. [Pub.Res.C. §21167.6.5(a)] Plaintiff challenging City's approval of development Project as exempt from CEQA failed to name developer of Project (a real party in interest), and because statute of limitations for naming developer had expired, the case was dismissed. [*Citizens for a Better Eureka v. City of Eureka* (2025) 111 CA5th 1114, 1124-1129, 333 CR3d 218, 226-230]

Respondent's and Real Party's Pleadings (the "Return")

[18:291] **Demurrer tests court's jurisdiction over subject of cause of action alleged:** [*Herron v. San Diego Unified Port Dist.* (2025) 109 CA5th 1, 6-7, 330 CR3d 147, 150]

CHAPTER 20

PRETRIAL AND TRIAL OF MANDAMUS CASES

Record on Review

Record in traditional mandamus cases—what must be included

- [20:5] **CEQA cases (amended Pub.Res.C. §21167.6(e)(10)):** The contents of the administrative record in CEQA cases are defined by Pub.Res.C. §21167.6(e). *Effective June 30, 2025,* subparagraph (10) (specifying "Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project") has been amended. [See amended Pub.Res.C. §21167.6(e)(10)]

CHAPTER 23

NOTICE AND COMMENT RULEMAKING PROCESS

Notice of Proposed Action (NOPA or 45-Day Notice)

Incorporation of prior rulemaking files by reference

- [23:233; 23:547; 23:592] ***ALERT*—proposed OAL regulations re incorporation of prior rulemaking files by reference:** On November 29, 2024, OAL published a NOPA to adopt regulations concerning, among other things, incorporating by reference a prior rulemaking file when resubmitting a regulatory proposal that was previously withdrawn (*see* ¶*23:540 ff.*) or disapproved (*see* ¶*23:590 ff.*). Agency staff are advised to watch for updates on the proposed rulemaking, available on the OAL website (*www.oal.ca.gov/oal-rulemaking*).

Mailing or electronic distribution of NOPA

- [23:243] ***ALERT*—proposed OAL regulations re electronic notice:** On November 29, 2024, OAL published a NOPA to adopt

regulations that, among other things, would allow an agency to provide notice exclusively through electronic means if all members of the agency's distribution list consented to it. The proposed regulation would also deem a party's consent to electronic service where a party requests electronic notice, submits a comment electronically without requesting nonelectronic communication, or requests notice of proposed actions without requesting nonelectronic communication. Agency staff are advised to watch for updates on the proposed rulemaking, available on the OAL website (*www.oal.ca.gov/oal-rulemaking*).

APA public hearing—mailing notice

- [23:422.1] ***ALERT*—proposed OAL regulations re agency notice of rescheduled hearing:** On November 29, 2024, OAL published a NOPA to adopt regulations that, among other things, would require an agency to send notice of a proposed or rescheduled hearing to all persons who requested notice of agency regulatory actions or who commented on a regulatory proposal, to include in the final statement of reasons a statement explaining how and when the agency provided such notice, and to include in the rulemaking file a copy of the notice and a statement confirming notice had been properly provided as required above. Agency staff are advised to watch for updates on the proposed rulemaking, available on the OAL website (*www.oal.ca.gov/oal-rulemaking*).

Substantial Failure to Comply With APA

[23:635.1] **Judicial treatment of APA's substantial failure test—less demanding authority:** In 2018, the Air Resources Board (ARB) began a process to adopt regulations requiring berthed ships to use shore power. ARB commissioned an outside consultant to prepare a report on tanker emissions, which ARB received in March of 2020, but the report was not added to the rulemaking file until July of 2020 (when it was commented upon by Plaintiff during a second notice and comment period). Even if ARB failed to timely add the report to the record, ARB "substantially complied" with the APA, since Plaintiff had ample opportunity to comment on the report. Moreover, this was the only alleged APA violation despite a file that exceeded 60,000 pages and a process that spanned several years. [*Western States Petroleum Ass'n v. California Air Resources Bd.* (2025) 108 CA5th 938, 967-969, 329 CR3d 904, 928-930]

CHAPTER 24

REVIEW BY OFFICE OF ADMINISTRATIVE LAW AND PUBLICATION OF REGULATIONS

Electronic Submission of Documents to OAL

[24:20a; 24:25.2; 24:140; 24:232] ***ALERT*—proposed amended OAL regulations re electronic submission of documents:** In 2025, OAL proposed amended regulations that would change the process of electronic submission of rulemaking notices and other materials to OAL. Under these proposed regulations, documents would be filed via a new portal by agency staff who have preregistered with OAL, rather than by two separate emails. The 25 MB size limit is repealed.

Agencies should check to see whether the proposed regulations are made final. [See 1 CCR §§3, 4, 5, 6, 6.5, 20, 50, 100; and the OAL website (*www.oal.ca.gov/oal-rulemaking*)]

CHAPTER 25

UNDERGROUND REGULATIONS

Unwritten Agency Interpretation As Underground Regulation

[25:38] **Application—invalid underground regulation found:** Plaintiffs sufficiently alleged that the Department of Health Care Services' unwritten statutory interpretation relating to the formula for calculating overpayments for services covered by both Medicare and Medi-Cal was an invalid underground regulation. [*California Healthcare & Rehabilitation Ctr. v. Baass* (2025) 109 CA5th 553, 560-562, 330 CR3d 511, 516-518]

CHAPTER 26

RULEMAKING EXEMPTIONS, EMERGENCY RULEMAKING, AND OTHER EMERGENCY POWERS

Rulemaking Exemptions Applicable to Specific Agencies

[26:115] **Environmental statutes:** The APA's rulemaking provisions do not apply to the Office of Land Use and Climate Innovation's adoption of a map of urban infill sites and the definitions and metrics involved in implementing the CEQA exemption for infill sites. [New Pub.Res.C. §21083.03(a)(4)]

Emergency Regulation Procedure—OAL Enforcement

[26:186.1] ***ALERT*—proposed rulemaking concerning electronic submission of documents:** *See* ¶*24:20a of the Highlights Summaries*.

CHAPTER 28

OPEN MEETINGS: RALPH M. BROWN ACT

Distribution of Copy of Brown Act

[28:7] **Requirement:** A local agency shall provide a copy of the Act to any person elected or appointed to serve as a member of the legislative body of the local agency. [Amended Gov.C. §54952.7]

Special Meetings

[28:163] **Notice waiver may be given by phone or email:** [Amended Gov.C. §54956(a)]

[28:165] **No special meeting to discuss compensation of legislative body:** [Amended Gov.C. §54956(b)]

Remote Participation

[28:195-201] **Revised teleconference provision (effective 1/1/26):** The Brown Act permits teleconference meetings of a local agency's legislative body. The Brown Act teleconference provision (Gov.C. §54953) was extensively revised, *effective January 1, 2026*, and many prior restrictions found in former Gov.C. §54953 no longer apply. However, there are new remote public participation requirements

found in new Gov.C. §54953.4 (*see* ¶*28:208 ff.*). [Amended Gov.C. §54953]

[28:208-217] **NEW remote public participation requirements (operative 7/1/26):** *Beginning July 1, 2026,* there are new remote public participation requirements under the Brown Act. Among other provisions, all open and public meetings of "eligible" local government legislative bodies, as defined (*see* ¶*28:209*), shall include an opportunity for members of the public to attend via a "two-way telephonic service" or a "two-way audiovisual platform," except if adequate telephone or Internet service is not operational at the meeting location. [New Gov.C. §54953.4(b)(1)(A)(i)(I) (1/1/30 "sunset" date)]

An eligible legislative body must facilitate participation by persons who speak languages other than English. [New Gov.C. §54953.4(b)(2)(A) (1/1/30 "sunset" date)]

Additionally, an eligible legislative body must take specified actions to encourage residents (including those in underrepresented communities and non-English-speaking communities) to participate in public meetings. [New Gov.C. §54953.4(b)(3) (1/1/30 "sunset" date)]

Right of Public Discussion

[28:253] **When public entitled to speak on item previously considered by committee:** The public is entitled to speak on an item previously considered by a committee if the "item has been substantially changed since the committee heard the item, as determined by the legislative body" or a "quorum of the committee members did not participate from a singular physical location." The public also is entitled to speak on an item previously considered if the committee focuses on elections, budgets, police oversight, privacy, removals from libraries, or taxes, unless the local agency adopted a law that prohibits the committee from placing a limit on the total amount of time for public comment at the committee meeting. [Amended Gov.C. §54954.3(a)(2)(B)]

CHAPTER 29

CALIFORNIA PUBLIC RECORDS ACT

Exemptions to Protect Personal Safety and Privacy

Peace and custodial officers' personnel records—*Pitchess* statutes

- [29:242] **Exemption inapplicable to civilian oversight board or commission:** The Pen.C. §832.7 exemption does not apply to investigations or proceedings concerning the conduct of officers, or the agency or department that employs them, "conducted by . . . a civilian oversight board or commission for a law enforcement agency established pursuant to [Gov.C. §25303.7] or other duly enacted municipal or county ordinance." [Amended Pen.C. §832.7(a)]
- [29:250.2] **Term "relating to" discharge of firearm construed broadly:** [See *City of Vallejo v. Sup.Ct. (American Civil Liberties Union of Northern Calif.)* (2025) 112 CA5th 565, 590-597, 600-601, 334 CR3d 528, 544-549, 552—term "relating to" is to be broadly construed (concluding requested officer shooting records

were publicly disclosable personnel records under Pen.C. §832.7(b)(1)(A)(i), but remanding for examination of whether officer names should be redacted from reports under Pen.C. §832.7(b) redaction provisions; *see* ¶*29:250.5 ff.*)]

Exemptions for Records Containing Confidential Government Information

Law enforcement records, and investigatory and security files

- [29:434a] **Video/audio recordings of "critical incidents"—required disclosure for incident involving firearm discharge:** To satisfy Gov.C. §7923.625(e), the disclosed body camera imagery of an "incident involving the discharge of a firearm" must provide sufficient context to permit the public to understand "why the first shot was fired and what happened in the immediate aftermath of the final shot." [*Sacramento Television Stations Inc. v. Sup.Ct. (City of Roseville)* (2025) 111 CA5th 984, 1004-1005, 333 CR3d 309, 323-324]
- [29:434.1a] **Delayed disclosure—what constitutes "active" criminal investigation:** Prosecutor's stated concerns that body camera images would result in victim trauma or jury prejudice were insufficient to show disclosure would interfere with an active criminal investigation. [*Sacramento Television Stations, Inc. v. Sup.Ct. (City of Roseville)* (2025) 111 CA5th 984, 1000-1002, 333 CR3d 309, 320-322]

Responding to Public Records Requests

[29:938] **Extension due to "unusual circumstances"—"cyberattack":** *Effective January 1, 2026,* there is an additional ground upon which an agency may obtain an extension of time to determine whether a public records request seeks any disclosable records: "The inability of the agency, because of a cyberattack, to access its electronic servers or systems in order to search for and obtain a record that the agency believes is responsive to a request and is maintained on the servers or systems in an electronic format." [Amended Gov.C. §7922.535(c)(5)]

Judicial Review

[29:1003a] **Class actions prohibited:** The PRA does not authorize class actions seeking release of government documents. [*Di Lauro v. City of Burbank* (2025) 110 CA5th 969, 980-988, 332 CR3d 185, 193-199; *see also* ¶*29:1090.2*]